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Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 48 to Declaration No. 12¹]

ORDER DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

1. In accordance with the provisions of § 77.3, Chapter I, Title 9, Code of Federal Regulations, (section 2, Regulation 7, B. A. I. Order 309, as amended), the following counties, having completed the necessary retests for reaccreditation, are hereby continued in the status of modified accredited areas until the date given at the end of each paragraph:

Alabama. Elmore, Jefferson, Morgan, October 1, 1943.

Arkansas. Benton, Howard, October 1, 1943.

California. Glenn, Sacramento, Shasta, October 1, 1943.

Colorado. Fremont, October 1, 1943.

Florida. Bay, St. Johns, October 1, 1943.

Illinois. Bureau, Champaign, Livingston, October 1, 1943.

Indiana. Jackson, Morgan, Pulaski, Steuben, October 1, 1943.

Iowa. Page, October 1, 1943.

Kansas. Anderson, Ellsworth, Franklin, Neosho, Ottawa, Saline, Wilson, October 1, 1943.

Kentucky. Adair, Breathitt, Breckinridge, Caldwell, Clay, Fleming, Kenton, Livingston, McCreary, Nelson, October 1, 1943.

Maine. Androscoggin, Kennebec, Washington, October 1, 1943.

Massachusetts. Dukes, October 1, 1943.

Michigan. Kalkaska, Missaukee, Wexford, October 1, 1943.

Mississippi. Carroll, Marshall, Tallahatchie, Tippah, October 1, 1943.

Missouri. Benton, Chariton, Christian, Daviess, Hickory, Stone, October 1, 1943.

¹ 5 F.R. 3655.

Montana. Cascade, October 1, 1943.

Nevada. White Pine, October 1, 1943.

New Jersey. Bergen, October 1, 1942.

New Mexico. De Baca, October 1, 1943.

New York. Oneida, October 1, 1943.

North Carolina. Alleghany, Ashe, Haywood, Madison, October 1, 1943.

Ohio. Pike, October 1, 1943.

Oklahoma. Atoka, Coal, Garvin, Hughes, Johnston, October 1, 1943.

Pennsylvania. Dauphin, Forest, Perry, Snyder, Sullivan, October 1, 1943.

South Carolina. Barnwell, October 1, 1943.

Tennessee. Benton, Bradley, October 1, 1943.

Texas. Bailey, Brown, Coleman, Garza, Lamb, Lynn, Palo Pinto, Stephens, October 1, 1943.

Virginia. Carroll, Craig, Madison, Prince George, Surry, Washington, October 1, 1943.

Washington. Skamania, October 1, 1943.

West Virginia. Raleigh, October 1, 1943.

Wisconsin. Door, October 1, 1946.

Puerto Rico. Adjuntas, Camuy, Isabela, Quebradillas, Penuelas, October 1, 1943.

2. This order supplements and is in addition to previous designations of modified accredited areas.

Done at Washington, D. C., this 1st day of October 1940.

[SEAL]

J. R. MOHLER,
Chief.

[F. R. Doc. 40-4509; Filed, October 24, 1940; 2:51 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 270—INVESTMENT COMPANY ACT OF 1940

TEMPORARY EXEMPTION FOR CERTAIN COMPANIES ISSUING PERIODIC PAYMENT PLAN CERTIFICATES

Acting pursuant to the authority conferred upon it by the Investment Com-

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pany Act of 1940, particularly sections 6 (c) and 38 (a) thereof, and deeming the temporary exemption hereinafter provided appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, the Securities and Exchange Commission hereby adopts § 270.6C-1 [Rule N-6C-1], to read as follows:

§ 270.6C-1. *Temporary exemption for certain companies issuing periodic payment plan certificates.* (a) Any registered investment company which meets the following conditions shall be exempt from the provisions of sections 26 and 27 of the Act:

(1) Such company was in existence on August 22, 1940, and continuously since that date has been actively engaged in the business of issuing periodic payment plan certificates for sale to the public.

(2) Such company has filed with the Commission three copies of its charter, certificate of incorporation, articles of association, by-laws, indenture of trust, or other instrument or instruments pursuant to which such company is organized, three specimens of each class of securities which such company is currently issuing for sale to the public, and three copies of every prospectus currently used or authorized by such company or any principal underwriter therefor.

(3) Such company has filed with the Commission in good faith an application for an order of the Commission pursuant to section 27 (b) of the Act.

(4) Such company has filed with the Commission a statement, verified under oath, reciting sufficient facts to establish such company's compliance with the foregoing conditions of this paragraph (a).

(b) Any registered investment company which meets the following condi-

tions shall be exempt from the provisions of the second sentence of section 24 (d) of the Act.

(1) Conditions (1) and (2) of paragraph (a) of this rule, as set forth therein.

(2) All securities which such company has issued or offered for sale since August 22, 1940, and all securities which such company is currently issuing or offering for sale, if it were not for said section 24 (d), would be exempted from registration under the Securities Act of 1933 by section 3 (a) (11) thereof. [Sec. 202, 48 Stat. 906; sec. 214, 49 Stat. 557; 15 U.S.C., 77d]

(3) Such company has filed with the Commission a statement, verified under oath, reciting sufficient facts to establish such company's compliance with the foregoing conditions of this paragraph (b).

(c) The exemption of a registered investment company pursuant to paragraph (a) or (b) of this rule shall exempt any depositor of or underwriter for such company, in his or its capacity as such, from the same provisions of the Act and to the same extent as such company is exempted.

(d) The exemptions provided by this rule shall terminate as of the close of business on December 31, 1940. If at any time prior to the close of business on December 31, 1940, any person exempted by this rule deducts for sales load, from any payment made on a periodic payment plan certificate of which a registered investment company exempted by this rule is the issuer, an amount greater than that deducted for sales load from corresponding payments on the periodic payment plan certificates being issued by such company on August 22, 1940, the exemptions provided by this rule shall thereupon terminate as to such person. (Pub. 768, 76th Cong.) [Gen. Rules and Regs., Rule N-6C-1, effective November 1, 1940]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4534; Filed, October 25, 1940; 11:40 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50251]

CUSTOMS REGULATIONS AMENDED¹

The Customs Regulations of 1937² are hereby amended as follows:

Article 274 [§ 61 (e)] is amended by adding a new paragraph (h), reading as follows:

(h) [§ 6.1 (e)] If the invoice or invoices filed with an entry are made out

¹ This document affects 19 CFR 6.1, 6.15, 6.19, 6.26, 6.28, 6.29, 6.56, 12.2, 12.4, 12.6, 12.7, 14.2, and 14.6.

² F. R. 1444, 1562, 1643.

on more than two sheets of paper, each sheet shall be legibly numbered by the importer on the bottom of its face. The numbering shall begin with No. 1 for the first sheet of the first invoice and continue in a single series of numbers through all the sheets of all the invoices. (Secs. 481, 484, 624, 46 Stat. 719, 722, 759; 19 U.S.C. 1481, 1484, 1624.)

Paragraph (a) of article 298 [§ 6.15 (a)] is amended to read as follows:

(a) [§ 6.15 (a)] (1) Entries shall be prepared in typewriting, or legibly with ink or indelible pencil. All entry papers and documents required to accompany the entry when presented for acceptance shall be on the appropriate forms prescribed by the regulations, and shall clearly set forth, with respect to the merchandise covered thereby, all information for which spaces are provided on such forms. With respect to each invoice covered by the entry, the following shall be shown separately: the quantity of each class of merchandise, the rate or rates of duty for each class of merchandise, and, except in the case of entry by appraisement, the aggregate of the entered values for each classification. The description of the merchandise shall be in terms of the tariff act, in accordance with statistical Schedule A of the Department of Commerce, or in more specific terms which will indicate clearly the tariff classification claimed by the importer.

(2) For each invoice covered by the entry and in a conspicuous place among the entry data related to such invoice, there shall be shown the gross amount of such invoice, the deduction of the aggregate amount of any nondutiable charges included in such amount, the further deduction of the aggregate of any deductions from invoice values to make entered values, and the addition of the aggregate of any dutiable charges not included in the gross amount of the invoice and of any other additions to invoice values to make entered values, so that the final amount in the summary computation will represent the aggregate of the entered values of all the merchandise on each invoice covered by the entry.

Paragraphs (b), (c), (d), (e) [§ 6.15 (b)], (f) [§ 6.15 (c)], (g) [§ 6.15 (d)], and (h) [§ 6.15 (e)] of article 298, as amended by T. D. 49658,³ are redesignated (c), (d), (e), (f) [§ 6.15 (c)], (g) [§ 6.15 (d)], (h) [§ 6.15 (e)], and (i) [§ 6.15 (f)], and a new paragraph (b) is inserted, reading as follows:

(b) [§ 6.15 (b)] The face of customs Form 6417 (Summary of Entered Values) shall be prepared by the importer as a carbon copy of the entry, and shall show the information required under paragraph (a). (Sec. 484, 46 Stat. 722, Sec. 12, 52 Stat. 1083; 19 U.S.C. 1484 and Sup. V)

Paragraph (d) (1) of article 302 [§ 6.19 (b) (1)] is amended to read as follows:

(d) (1) [§ 6.19 (b) (1)] The consignee or his agent shall submit to the collector, in triplicate, a revised copy of the entry or of the page thereof covering the items to be amended, and shall also submit a revised copy of the corresponding summary of entered values on customs Form 6417, respectively prepared in accordance with paragraphs (a) and (b) of article 298 [§ 6.15 (a) and (b)] and conspicuously marked "Amendment." The applicant shall also show, on a separate sheet of paper filed with the amended entry and suitable for attachment to the invoice or the new customs Form 6417, the exact items on each invoice to which the amendment pertains, the new unit values, and the computation in detail of the aggregate amount of the additions or deductions upon amendment.

Paragraph (d) (3) of article 302 [§ 6.19 (b) (3)] is amended to read as follows:

(d) (3) [§ 6.19 (b) (3)] If the invoice is with the collector, he shall firmly attach thereto the new customs Form 6417 and the paper showing the details of amendment and forward the invoice to the appraiser. If the invoice is with the appraiser, the new customs Form 6417, with the time of acceptance noted thereon, and the paper showing the details of amendment shall be forwarded to that officer, who shall note on the new customs Form 6417 whether the invoice or the merchandise had come under the observation of the appraiser, the acting appraiser, the chief assistant appraiser, or the deputy appraiser for the purpose of appraisement, prior to the time of the acceptance of the amendment. The appraiser shall then firmly attach the new customs Form 6417 and the paper showing the details of amendment to the invoice and proceed with his appraisement. The collector shall retain the original copy of the amended entry and immediately forward the duplicate copy to the comptroller of customs and the triplicate copy to the Section of Customs Statistics, Department of Commerce, New York, N. Y. (Sec. 487, 46 Stat. 725; 19 U.S.C. 1487)

Paragraph (b) of article 312 [§ 6.26], as redesignated by T.D. 49658, is amended to read as follows:

(b) [§ 6.26] In the appropriate spaces on customs Form 6417 the collector shall designate, by marks and numbers, if any, and with respect to each invoice, the packages to be examined and the place where the examination is to be made if elsewhere than at the public stores. He shall also indicate the examination packages on the permit and, if he deems it necessary, on the entry. The order for examination on customs Form 6417 may be signed only by the collector, the assist-

ant collector, a deputy collector, or a customs officer officially acting for one of such officers. If the merchandise is bulky, inflammable, explosive, or dangerous, the collector will direct examination on the wharf or other suitable place, subject to the approval of the appraiser, and designation of examination packages by marks and numbers will not be required in such cases unless the collector shall deem it necessary to protect the revenue. When merchandise is to be gauged, measured, or weighed, the collector will so indicate on the entry, invoice, and permit. (Sec. 499, 46 Stat. 728, secs. 15, 16 (a) 52 Stat. 1084, sec. 624, 46 Stat. 759; 19 U.S.C. 1499 and Sup. V, 19 U.S.C. 1624.)

Article 313 [Not in CFR], as amended by T.D. 49285, is further amended to read as follows:

ART. 313. *Summary of entered value to be attached to invoice.* The invoice or invoices covered by each entry and the summary of entered values (customs Form 6417) pertaining thereto shall be securely fastened together by the collector before being forwarded to the appraiser.

Paragraphs (b), (c), (d), (e), and (f) of article 315 [§ 6.28], as amended by T.D. 49410⁴ and T.D. 49658, are amended to read as follows:

(b) [§ 6.28 (a)] Merchandise which has not been designated for examination for the purpose of appraisement or otherwise may be released from customs custody in accordance with the provisions of article 314 [§ 6.27].

(c) [§ 6.28 (b)] When the appraiser's report, or other information before the collector, indicates that the estimated duties or import taxes deposited are sufficient, and the goods are correctly invoiced and otherwise comply with the law, the collector may issue a permit to release the examined packages. The collector may designate an appraising officer to exercise this function. Customs Form 7500-B shall be used as the permit to release in instances where no other special form has been prescribed.

(d) [§ 6.28 (c)] When the appraiser's report, or other information before the collector, indicates that any supplemental, increased, or additional duties or taxes upon all the merchandise covered by the entry will not in the aggregate exceed \$50, the collector may issue a permit to release the examined packages, provided there has been filed with him a stipulation undertaking and agreeing to pay such duties or taxes in any amount not to exceed \$50 on any one entry. An appraising officer designated by the collector may issue a permit to release the examined packages where it can readily be ascertained by him that the foregoing requirements are satisfied. Such stipu-

³ 3 F.R. 1808.

⁴ 3 F.R. 479.

lation by its terms may apply to all entries of a stated class or classes to be made during a period not to exceed one year. If the stipulation relates to a particular entry, it shall be endorsed on such entry. No such stipulation shall be accepted unless executed by an individual, partnership, or corporation, not otherwise liable for the payment of the duties and found by the collector to be financially and otherwise responsible.

(e) [§ 6.28 (d)] When the appraiser's report, or other information before the collector indicates that supplemental, increased, or additional duties or taxes will be found due, the collector shall, except as provided by paragraph (d) of this article [Sec. 6.28 (c)], require a deposit of an amount sufficient to cover such duties or taxes before release of the examined packages. When the collector is unable to ascertain with reasonable certainty from the appraiser's report or other information before him the probable supplemental, increased, or additional duties or taxes, he shall, before releasing the examined packages, take a bond in a penalty sufficient to cover all supplemental, increased, or additional duties or taxes which he estimates may become due on all the merchandise covered by the entry. (See T.D. 50252)

(f) [§ 6.28 (e)] The collector may release any merchandise pending reappraisal if its appraised value does not exceed its entered value by more than 100 percent, provided the consignee deposits an amount sufficient to pay the supplemental, increased, or additional duties or taxes, and provided the appraiser has reported the merchandise to have been truly and correctly invoiced and found to comply with the requirements of the laws of the United States. (R.S. 161, sec. 499, 46 Stat. 728, secs. 15, 16 (a), 52 Stat. 1084, sec. 505, 46 Stat. 732, sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 5 U.S.C., 22, 19 U.S.C. 1499 and Sup. V. 19 U.S.C. 1505, 19 U.S.C., Sup. V, 1623, 19 U.S.C., 1624)

Paragraph (a) of article 316 [§ 6.29 (a)] is amended by substituting "or" for "of" between the word "report" and the word "otherwise," and paragraphs (b) and (c) of said article [§ 6.29 (b) and (c)] are amended to read as follows:

(b) [§ 6.29 (b)] The collector may demand the return to customs custody of any merchandise which has been released therefrom, provided such demand is made not later than 20 days after the appraiser's report. If the appraiser desires additional packages or quantities for purposes of examination, inspection, or appraisement, he should notify the importer on customs Form 3483 to deliver them to the appraiser's stores or other place designated by him. If the request of the appraiser is not promptly complied with, he should request the collector to make an appropriate de-

mand under the redelivery provisions of the entry bond.

(c) [§ 6.29 (c)] A demand for the redelivery of the merchandise should be made when the appraiser's report, or other information before the collector, indicates that supplemental, increased, or additional duties or taxes will accrue, unless an amount sufficient to cover such duties or taxes is promptly deposited or a stipulation has been filed under article 315 (d) [§ 6.28 (c)], or unless a sufficient bond has been given under article 315 (e) [§ 6.28 (d)]. Such demand must be made not later than 20 days after the appraiser's report. (R.S. 161, sec. 499, 46 Stat. 728, secs. 15 and 16 (a), 52 Stat. 1084, sec. 505, 46 Stat. 732, sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089; 5 U.S.C. 22, 19 U.S.C. 1499 and Sup. V, 19 U.S.C. 1505, 19 U.S.C., Sup. V, 1623, 19 U.S.C. 1624)

Paragraph (b) of article 344 [§ 6.56 (a)] is amended by adding the following sentence at the end thereof: "An adequate description of the merchandise and the number of the paragraph under which the merchandise is dutiable shall appear on the entry." (Sec. 498, 46 Stat. 728; 19 U.S.C. 1498)

The following new paragraph (f) is added to article 355 [not in CFR]:

(f) When more than one invoice is included in the same entry, all invoices shall bear the entry number and shall also be numbered consecutively, beginning with number 1. (Sec. 624, 46 Stat. 759, 19 U.S.C. 1624)

Paragraphs (h) and (j) of article 770 [§ 12.2 (h) and (i)] are deleted and paragraph (i) [not in CFR] is redesignated paragraph (h). (Sec. 499, 46 Stat. 728, secs. 15, 16 (a), 52 Stat. 1084; 19 U.S.C. 1499 and Sup. V, Sec. 624, 46 Stat. 759, 19 U.S.C. 1624)

Paragraphs (c) and (d) of article 772 [§ 12.4 (a) and (b)] are deleted and paragraph (e) [§ 12.4 (c)] is redesignated paragraph (c) [§ 12.4]. (Sec. 499, 46 Stat. 728, secs. 15 and 16 (a), 52 Stat. 1084, secs. 500 (a), 624, 46 Stat. 729, 759; 19 U.S.C. 1499 and Sup. V., 19 U.S.C. 1500a, 1624)

Article 773 [not in CFR] is deleted.

Article 776 [Sec. 12.6] is amended to read as follows:

ART. 776 [§ 12.6] *Reports by appraising officers.* Appraising officers will observe the following rules in making reports of examination and appraisement:

(a) All official reports shall be legibly written or stamped with red ink.

(b) When the advisory classification agrees with the entered classification and the invoice sufficiently describes the merchandise, each paragraph number and rate of duty set forth in black ink on the left-hand margin of the invoice by the importer at the time of entry should be checked and initialed by the appraising officer concerned. If the advisory classification differs from the entered

classification, the appraising officer shall state over his initials and opposite each item or group of similar items on the invoice the advisory classification, paragraph number, and, except as provided in the next paragraph, rate of duty; and in the right-hand margin of the invoice opposite the respective items or groups of items he shall note "R A" if a higher rate applies or "R R" if a reduced rate applies.

(c) If the invoice description and the entered paragraph number and rate of duty are not sufficient to indicate the appropriate tariff classification, the appraising officer shall give a proper description in order that the collector may determine the dutiable classification. A notation on the invoice as to the paragraph number and rate applicable is not a sufficient description when the paragraph covers more than one class of merchandise or prescribes more than one rate of duty. When practicable, the description endorsed on the invoice by the appraising officer should be in the terms of the tariff act. When advisory classification is made under a paragraph prescribing a maximum or minimum rate or rates which vary according to value, size, or other factor, the only duty of the appraising officer with respect to such classification is to describe the merchandise in tariff terms and cite the number of the paragraph under which he advises classification, for example, "men's gloves, chief value leather, 15 inches long, lined with wool, par. 1532 (a)," or "scissors, par. 357." (See art. 818 (c) [§ 142 (c)])

(d) Unusual coverings and containers shall be reported in such descriptive terms as will enable the collector to determine their proper tariff classification and in addition to such advisory classification, the report should state:

"Unusual covering designed for use otherwise than in the bona fide transportation of the contents to the United States."

(e) The value reported should be for the unit of quantity in which the merchandise is usually bought and sold in the ordinary course of trade, and should not be expressed as a total unless the total quantity is the trade quantity unit.

(f) Except as otherwise provided in this article, the appraised value shall be expressed in that currency of the country of exportation in which merchandise such as or similar to that under appraisement is usually bought and sold in the ordinary course of trade in such country.

(g) The value shall be expressed in United States currency if appraisement is made on the basis of United States value or American selling price, and ordinarily in the currency of the country of exportation if appraisement is made on the basis of cost of production.

(h) If there is more than one class of the currency in which the appraiser's report is expressed, such as gold, silver, or paper, the particular class of the currency adopted should be stated in the

report; for example, paper lire, silver lire, or gold lire.

(i) When merchandise such as or similar to that under appraisal is sold for home consumption and for exportation in different currencies in the country of exportation, the currencies involved should, for the purpose of comparison to determine whether the foreign or export value is the higher, be converted into United States currency at the rate appropriate under section 522 of the Tariff Act of 1930 for the date of exportation of the merchandise involved; but the currency expressed in the appraising officer's report should be only the currency in which such or similar merchandise is usually bought and sold in the ordinary course of trade for home consumption in the country of exportation or for exportation to the United States, depending on whether the foreign or the export value is adopted as the basis of appraisal.

(j) Appraising officers have no authority to state, in a report to the collector, the value of the currency of appraisal. The only currency question ordinarily for determination by the appraiser is how many units of the currency in which the goods are appraised are necessary to make market value on the date of exportation.

When a rate of exchange has been agreed upon between the exporter and importer it should be of interest to appraising officers only insofar as it indicates the true currency in which the transaction is effected. For example:

(1) If merchandise from Spain is invoiced in pesetas, but payable in United States dollars at the rate of \$1 for 7 pesetas, the transaction is in United States currency. Conversely, if the merchandise is invoiced in United States dollars, but payable in pesetas in the ratio of 7 pesetas for \$1, the transaction is in pesetas.

(2) If merchandise from Belgium is invoiced in belgas, but payable in guilders at the rate of one guilder for 2½ belgas, the transaction is in guilders.

When the currency indicated by such a transaction is the same as the currency adopted for appraisal purposes under the provisions of paragraph (i) of this article, the appraiser's report may be stated in accordance with the following illustrative examples:

"Appraised in United States dollars at \$1 for 7 pesetas at invoice unit values, net, plus cost of case and packing," or "Appraised in pesetas at 7 pesetas for \$1 at invoice unit values, net, plus cost of case and packing," or "Appraised in guilders at one guilder for 2½ belgas at invoice unit values, net, plus cost of case and packing," as the case may be.

(k) When merchandise subject to an ad valorem rate of duty appears from the invoice or other source of information to have been bought on the basis of the gross weight or quantity, the apprais-

ing officer's report should show whether appraisal was made on the basis of the gross or net weight or quantity.

(l) When a shipment of merchandise or any portion thereof is found to be entirely without commercial value by reason of damage or deterioration, the appraising officer's report should state "n.c.v." (See art. 816 [§ 13.121].)

(m) Any importer's notation endorsed on an invoice or attached thereto indicating the entered *per se* unit values and the manner in which they are determined, the nondutiable charges deducted, the dutiable charges added, or the additions to or deductions from invoice value to make market value should be checked (✓) and initialed by the appraising officer concerned if such officer agrees with such notation. If he disagrees with any such notation, a direct statement of the appraised value should be made on the face of the invoice in accordance with paragraph (p) or (q).

(n) Discounts as such should not be disallowed. If the appraiser does not adopt a discount deducted on entry, a direct statement of the appraised value should be made on the face of the invoice, showing any discount involved, in accordance with paragraph (p) or (q) of this article.

(o) If not clearly stated or if believed to be not correct, charges shown on an invoice should be reported by the appraising officer in such manner as to indicate definitely to the collector whether the amounts thereof are included in the appraised unit values, and a direct statement of the appraised value should be made on the face of the invoice, showing all discounts and charges deducted from the invoice unit values as well as all packing or other dutiable costs or charges added thereto to make the appraised values, in accordance with paragraph (p) or (q) of this article.

(p) When there is a uniform general advance in value, the appraised value may be indicated by bracketing all the items involved and stating the uniform percentage of advance, in accordance with the following illustrative examples:

Appraised at invoiced (or entered) unit values, plus -----%, packed.

Appraised at invoiced (or entered) unit values, plus -----%, plus cost of cases and packing.

(q) The following are examples illustrating the form and substance of proper statements of appraisal when the appraised value differs from the entered value or when the entered value is not clearly shown:

Appraised at invoiced (or entered) unit values, plus items marked X.

Appraised at invoiced (or entered) unit values, less items marked X.

Appraised value: (stating values in figures and terms), plus items marked X. (Items marked X should be bracketed, if feasible.)

Appraised value: 6 francs per dozen, net, packed.

Appraised value: 6 francs per dozen, net, plus cost of cases and packing.

Appraised value: 6 francs per dozen, less 5%, packed.

Appraised value: 6 francs per dozen, less 5%, plus cost of cases and packing.

Appraised value: 6 francs per dozen, net, packed, less ----- N. D. charges.

Appraised value: 6 francs per dozen, less 5%, packed, less ----- N. D. charges.

Appraised value: 6 francs per dozen, net, plus cost of cases and packing, less ----- N. D. charges.

Appraised value: 6 francs per dozen, less 5%, plus cost of cases and packing, less ----- N. D. charges.

(r) A full statement of the facts shall be made on the face of the invoice of all prohibited articles, including those violating the laws and regulations concerning trade-marks, trade names, and copyrights, and articles of gold or silver falsely marked. Examination packages in which prohibited articles are found shall be held pending the receipt of instructions from the collector.

(s) A full statement of the facts shall be made on the face of the invoice as to any articles (or containers) not legally marked. In the case of consumption entries, when articles (or containers) are found not legally marked, the examination packages involved shall be held pending the receipt of instructions from the collector; but in the case of warehouse entries, such packages shall be sent to the bonded warehouse in the regular course of business.

(t) In any case where a report or statement is made by an appraising officer on the face of an invoice relative to value, damage, shortage, excess, articles not legally marked, prohibited articles, or any other matter, such report or statement should be initialed by the officer concerned.

(u) Reports on customs Form 6417 shall include a summary of the action taken upon the invoice or invoices. With respect to each package ordered for examination, the appraising officer shall place a check mark in the applicable column on customs Form 6417 to indicate agreement with the values, classification, and quantities claimed by the importer; but to indicate disagreement the appraising officer shall note his exceptions by proper abbreviations in the applicable column; and when an advisory classification is made under a paragraph prescribing rates which vary according to computation of value, size, or other factor, the note "Art. 818 (c)" shall be placed in the advisory classification column. Where there is uniform action on several examination packages the package numbers may be grouped and bracketed. With respect to the packages not ordered for examination, exceptions as to value and classification shall be noted directly below the notations shown for examination packages by proper abbreviations in the applicable

columns preceded by the words "Other items."

(v) When examination is made elsewhere than at the public stores or on samples (art. 771 [§ 12.3]), such fact shall be stated in the marks and numbers column of customs Form 6417 and appropriate action shown in the applicable columns.

(w) If an invoice upon which entry was made is found to be incorrect, a report shall be made in the remarks column on customs Form 6417. Such report shall state "Invoice incorrect in the following respects: _____," (specifying the requirements of articles 274 [§ 6.1] and 275 with which the invoice fails to comply) and the examination packages involved shall be held pending receipt of instructions from the collector (art. 315). A concise report shall be made in the remarks column on customs Form 6417 of all prohibited articles including violations of copyrights, trade-marks, trade names, and violations involving false marking of gold or silver, etc. The notation "N. L. M." shall be placed in the remarks column on customs Form 6417 in regard to articles (or containers) found not legally marked.

(x) No report or notation of an appraising officer on an invoice or summary sheet shall be erased, eradicated, or blotted out. If a correction or change is made, a line shall be drawn through the original report and the new report dated and initialed by the appraising officer concerned. (Sec. 402, 46 Stat. 708, sec. 8, 52 Stat. 1081, secs. 500 (a), 624, 46 Stat. 729, 759; 19 U.S.C. 1402 and Sup. V, 19 U.S.C. 1500 (a), 1624.)

Paragraph (b) of article 777 [§ 12.7 (b)], is amended by adding at the end thereof (See art. 818 (b) [§ 14.2 (b) 1]).

Paragraphs (b) and (c) of article 818 [§ 14.2 (b) and (c)] are amended to read as follows:

(b) [§ 14.2 (b)] The collector shall see that the report of the appraisement on customs Form 6417 is dated and signed by the appraiser, the acting appraiser, the chief assistant appraiser, or the deputy appraiser. Invoices covering merchandise subject to ad valorem rates of duty or duties based upon or regulated in any manner by the value, appraised elsewhere than at headquarters ports, shall be transmitted by collectors to the principal appraising officer at the headquarters port for advice respecting appeals for reappraisement, unless the invoice price or value of the merchandise covered thereby does not exceed \$100, in which case the invoice shall be so transmitted only if unusual circumstances or suspicion causes the collector to desire such transmittal.

(c) [§ 14.2 (c)] The collector should determine whether the advisory classification by the appraiser is correct, and if it is not, he should so inform that officer. When the merchandise is advisably classified by the appraiser under a paragraph

prescribing rates which vary according to value, size, etc., it shall be the duty of the collector to determine whether the advisory classification is correct, and to calculate and determine which rate of duty applies to each item. (Secs. 505, 624, 46 Stat. 732, 759; 19 U.S.C. 1505, 1624)

Paragraph (d) of article 823 [§ 14.6 (c)], as designated by T. D. 49658, is amended to read as follows:

(d) [§ 14.6 (c)] When merchandise subject to an ad valorem rate of duty is invoiced or entered at values based on gross weight or quantity, liquidation should be made on the basis upon which appraisement was made, as indicated by the appraiser's report. (See article 776 (k) [§ 12.6 (k) 1] (Sec. 402, 46 Stat. 708, sec. 8, 52 Stat. 1081, secs. 500 (a), 624, 46 Stat. 729, 759; 19 U.S.C. 1402 and Sup. V, 19 U.S.C. 1500 (a), 1624).)

The amendments to articles 298 and 302 shall become effective as of July 1, 1941, at which time the present issues of customs Forms 7501, 7501-A, 7502, 7502-A, and 6417 will become obsolete. Supplies of revised issues of the forms mentioned will be available for use on the effective date of the new procedure.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.
Approved:
HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 40-4535; Filed, October 25, 1940;
11:45 a. m.]

[T. D. 50252]

FORM OF BOND PRESCRIBED FOR USE IN CONNECTION WITH RELEASE OF EXAMINED PACKAGES PURSUANT TO ARTICLE 315 (E), CUSTOMS REGULATIONS OF 1937, AS AMENDED

The bond which is to be taken in certain instances as a condition precedent to the release of examined packages, as provided in article 315 (e) [§ 6.28 (d)], Customs Regulations of 1937, as amended, shall be in the following form:

Bond Covering Release of Examined Packages

KNOW ALL MEN BY THESE PRESENTS, That _____ of _____ as principal, and _____ of _____ as sureties, are held and firmly bound unto the UNITED STATES OF AMERICA in the sum of _____ dollars (\$ _____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly, by these presents.

WITNESS our hands and seals this _____ day of _____, 19____.

WHEREAS, certain articles described in _____ entry No. _____, dated _____, 19____, have been imported at the port of _____, from _____, in the _____, arrived _____, 19____.

WHEREAS, all or part of the merchandise covered by the foregoing entry has been sent to the public stores or other place designated

by the collector, for examination, inspection, or appraisement; and

WHEREAS, the collector is unable to ascertain with reasonable certainty the probable supplemental, increased, or additional duties or taxes which may become due on such merchandise; and

WHEREAS, the said principal desires release of the examined packages prior to the ascertainment by proper authority of the value of the merchandise covered by the entry and of the full amount of duties and taxes due thereon:

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That—

If the said obligors shall pay to the collector of customs, when demanded by him, all supplemental, increased, or additional duties or taxes found legally due on all the merchandise covered by the said entry, then this obligation shall be void, otherwise it shall remain in full force and effect.

Signed, sealed, and delivered in the presence of—

_____ (Name)	_____ (Address)
_____ (Name)	_____ (Address)
_____ (Name)	_____ (Address)
_____ (Name)	_____ (Address)
_____ (Name)	_____ (Address)
_____ (Name)	_____ (Address)
[SEAL] _____ (Principal)	
[SEAL] _____ (Surety)	
[SEAL] _____ (Surety)	

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: October 19, 1940.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 40-4536; Filed, October 25, 1940;
11:45 a. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

PART 301—RULES OF PRACTICE AND PROCEDURE

[Order No. 305]

AN ORDER PROVIDING FOR ESTABLISHMENT OF TEMPORARY EFFECTIVE MINIMUM PRICES FOR COAL FOR WHICH MINIMUM PRICES HAVE NOT BEEN ESTABLISHED IN GENERAL DOCKETS NOS. 15 OR 15-A, OR OTHERWISE ESTABLISHED OR PENDING IN DOCKETS SUPPLEMENTARY THERETO; AND PROVIDING THAT ON AND AFTER OCTOBER 28, 1940, THE DIVISION SHALL UNDER CERTAIN CONDITIONS ESTABLISH TEMPORARY EFFECTIVE MINIMUM PRICES FOR ANY SUCH COAL

Pursuant to the Bituminous Coal Act of 1937 (hereinafter called the Act), minimum prices have been established in General Dockets Nos. 15 and 15-A, and are being established in other dockets supplementary thereto, for all but a minute portion of the bituminous coal subject to the jurisdiction of the Bituminous Coal Division (hereinafter called the Division) under the Act. For the purpose

of establishing and maintaining a more effective system of minimum prices for bituminous coal subject to the jurisdiction of the Division, it is necessary that an order be entered, partially implementing and supplementing Order No. 303, and providing for the prompt establishment of temporary effective minimum prices for coal for which minimum prices have not been established in the said dockets and for coal produced by a new acceptant of the Bituminous Coal Code.

On October 17, 1940, identical telegrams were dispatched to each district board notifying it to file with the Division on or before October 26, 1940, a petition for the establishment of minimum prices for coals of code members in its district for which no minimum prices had heretofore been proposed in 4 II (d) proceedings or established for the various methods of transportation used, accompanied by a request for a temporary order forthwith establishing such minimum prices, pending a hearing and the establishment of final effective minimum prices for such coal.

The Director, having duly considered the matter, and having determined that the ten days intervening between the date of the said telegraphic notice and October 26, 1940, affords to each district board a reasonable opportunity to comply with the requirements of the said telegraphic notice and this Order:

PART 301—RULES OF PRACTICE AND PROCEDURE

Sec.

- 301.141 Time for filing petition by district boards with respect to code members.
- 301.142 Time for filing petition by district boards with respect to persons accepting the Bituminous Coal Code on or after October 19, 1940.
- 301.143 Establishment of temporary effective minimum prices by division in lieu of district board.

§ 301.141 *Time for filing petition by district boards with respect to code members.* Pursuant to section 4 II (d) of the Act, each district board, or its authorized representative, shall file with the Division, on or before October 26, 1940, a petition for the establishment of minimum prices for coals of code members in its district, accompanied by a request for a temporary order forthwith establishing such minimum prices, for which coals, for any method of transportation used, no minimum prices have been (a) established in the Schedules of Effective Minimum Prices promulgated by the Director in General Dockets Nos. 15 and 15-A or Supplements thereto; or (b) established by or pending before the Division in proceedings instituted pursuant to Order No. 303; ¹ *Provided, That* all 4 II (d) petitions and requests for temporary orders filed pursuant to this Order shall propose the establishment of minimum prices for coal, in terms of the symbols of, and shall be in conformity with, the effective minimum prices for

analogous and comparable coals heretofore established by the Director in General Dockets Nos. 15 and 15-A.*

§ 301.142 *Time for filing petition by district boards with respect to persons accepting the Bituminous Coal Code on or after October 19, 1940.* With respect to the coals produced by persons or entities accepting the Bituminous Coal Code on and after October 19, 1940, Section 301.141 shall not apply until 15 days from the date of this Order. Thereafter each district board, or its authorized representative, shall file with the Division a petition for the establishment of minimum prices for such coals, in accordance with Order No. 303¹ and this Order, and all other applicable rules and regulations, within 15 days after the actual date of filing of acceptance in the Bituminous Coal Code by such new acceptants.*

§ 301.143 *Establishment of temporary effective minimum prices by division in lieu of district board.* In the event that any district board, or its authorized representative, shall omit to comply with §§ 301.141 and 301.142, the Division shall, pursuant to Section 6 (a) of the Act, establish temporary effective minimum prices for said coal, in terms of the symbols of, and in conformity with, the effective minimum prices for analogous and comparable coals established by the Director in General Dockets Nos. 15 and 15-A. Such temporary effective minimum prices shall remain in effect until the establishment, after hearing, pursuant to notice hereafter to be issued, of final effective minimum prices for said coals.*

Dated: October 24, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4504; Filed, October 24, 1940;
12:53 p. m.]

[General Docket No. 12]

ORDER IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (H) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; ORDER IN RE PETITION OF THE ROCHESTER & PITTSBURGH COAL COMPANY, ET AL., FOR ORDER PERMITTING CERTAIN ALLOWANCES FROM MINIMUM PRICES TO WHOLLY OWNED CANADIAN SUBSIDIARIES

REGULATIONS MODIFIED

The Rochester and Pittsburgh Coal Company, the Consolidation Coal Company, the Pittsburgh Coal Company and the Hanna Coal Company of Ohio, hav-

* §§ 301.141-301.143 Issued under the authority contained in sec. 2 (a), 50 Stat. 72, 15 U.S.C. Supp. Sec. 829 (a); and Sec. 4 II (d), 50 Stat. 80, 15 U.S.C. Supp. Sec. 833 (d).

ing, pursuant to the reservation of jurisdiction in the Director's Order of June 19, 1940, in this docket, filed their joint petition requesting permission to allow distributors' discounts in excess of the prescribed maximum to Canadian distributors which are wholly owned subsidiaries of the petitioning companies; and

A hearing upon said petition having been held before an Examiner of the Division on October 1, 1940, pursuant to a Notice of and Order for Hearing therefor dated September 19, 1940; and

The interested parties appearing at said hearing having waived the Examiner's Report and other interim proceedings, and having submitted the matter to the Director for determination upon the record and briefs filed; and

The Director having considered the proposals, the evidence adduced, and the briefs of the parties and having made Findings of Fact thereon;

PART 304—BITUMINOUS COAL CODE

Rules and Regulations for Registration of Distributors

It is ordered, That, in accordance with the Findings of Fact and Opinion of the Director entered herewith, that § 304.19 of the Rules and Regulations for the Registration of Distributors as established in this docket, be, and it is hereby modified by adding thereto the following section:

§ 304.19 Miscellaneous provisions.

(e) In addition to the allowance of a discount not in excess of the prescribed maximum discount, a code member may grant a wholly owned Canadian subsidiary company, which has been registered as a distributor, a price allowance, upon coal resold by such subsidiary company to registered Canadian distributors, not in excess of the amount of the discount actually allowed by the code member to the Canadian subsidiary, provided, that the said Canadian subsidiary shall not resell the coal at a price below the applicable minimum price established by the Division, subject, however, to its right to allow discounts not in excess of the maximum prescribed.

It is further ordered, That the motion to dismiss the petition herein filed by the American Coal Distributors Association be, and the same is denied.

Dated: OCTOBER 24, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4523; Filed, October 25, 1940;
10:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 202—ANCHORAGE REGULATIONS¹

§ 202.7 *Newburyport Harbor, Mass.; Special Anchorage Area.* The following

¹ § 202.7 is added.

¹ 5 F.R. 3874.

area is designated as a special anchorage area wherein vessels not more than sixty-five feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

Eastward of a line from the northeast corner of the American Yacht Club property bearing due north to a point about 900 feet, 237 degrees from South Pier; southward of a line bearing 70 degrees to a point 310 feet, 212 degrees from South Pier, said line extending easterly to a point about 600 feet due south of North Pier; westward of a line bearing due south from North Pier to the shoreline. (Act of Congress, April 22, 1940 (Pub. No. 471)) [Regs., Oct. 8, 1940 (E. D. 7175 Newburyport Harbor, Mass.)—2/7]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-4511; Filed, October 25, 1940;
9:43 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 60]

AMENDMENTS

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

OCTOBER 24, 1940.

§ 1.23 *Evidence of citizenship of owners and officers* is amended by the deletion from that section of the paragraph numbered (9) and by renumbering the paragraph numbered (10) as (9).

SUBCHAPTER G—OCEAN AND COASTWISE: GENERAL RULES AND REGULATIONS

Subsection (c) of § 62B.5 *General* is amended by the deletion of the paragraph number (9) and by renumbering the paragraph numbered (10) as (9).

SUBCHAPTER H—GREAT LAKES: GENERAL RULES AND REGULATIONS

Subsection (c) of § 78A.5 *General* is amended by the deletion of the paragraph numbered (9) and by renumbering the paragraph numbered (10) as (9).

SUBCHAPTER K—SEAMEN

Subchapter (k) of § 138.1 *General Provisions* is hereby amended by the deletion from that subsection of the paragraph numbered (8) and by renumbering the paragraph numbered (9) as (8).

Part 139. *Seamen's Protection Certificates* is hereby rescinded.

(Act of Oct. 9, 1940; Pub. No. 816, 76th Cong.)

[SEAL] JESSE H. JONES,
Secretary of Commerce.

[F. R. Doc. 40-4510; Filed, October 24, 1940;
4:20 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

APPENDIX B—FREQUENCY ALLOCATIONS

The Commission on October 22, 1940, effective immediately, amended footnote 9¹ to read as follows:

Frequencies are listed for information purposes only. Section 305 (a) of the Communications Act of 1934 as amended states as follows:

"Radio stations belonging to and operated by the United States shall not be subject to the provisions of sections 301 and 303 of this Act. All such Government stations shall use such frequencies as shall be assigned to each or to each class by the President. All such stations, except stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any radio communication or signal other than a communication or signal relating to Government business, shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Commission may prescribe."

For more detailed information regarding restrictions on the use of non-Government frequencies consult the chapter of the Rules and Regulations of this Commission covering the service or class of station to which the frequency is allocated."

(Sec. 4(i), 48 Stat. 1066, 154(i)—Sec. 303(c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 40-4538; Filed, October 25, 1940;
11:48 a. m.]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

AMENDMENTS

The Commission on October 22, 1940, effective immediately, modified for a temporary period § 12.93 (a) of its Rules and Regulations so as to permit an amateur station which is moved from one permanent location to another permanent location prior to May 1, 1941, to be operated at the latter location (in accordance with the provisions governing portable stations) for a period not exceeding four months, but in no event beyond the expiration date of the license; provided a proper application for modification of license is duly filed in accordance with the Rules and Regulations of the Commission.

Effective November 1, 1940, the Commission amended § 12.115 by changing the frequency band "1800 to 2000" kilocycles for use of Type A-3 emission to "1800 to 2050" kilocycles, and amended § 12.155 (b) by changing the frequency

¹ 4 F.R. 2109.

band "1975 to 2000" kilocycles to "2025 to 2050" kilocycles.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 40-4539; Filed, October 25, 1940;
11:48 a. m.]

Notices

WAR DEPARTMENT.

SUMMARY OF CONTRACT FOR SUPPLIES¹

GENERAL ELECTRIC COMPANY, SCHENECTADY, NEW YORK

Contract for Components for Radio Transmitting Equipment and Associated Parts for Radio Sets SCR-287-A, SCR-187-A, SCR-193, and SCR-177-A. Amount, \$5,297,775.00.

Place: New York Signal Corps Procurement District, 1st Avenue and 58th Street, Brooklyn, New York.

The Finance Officer, U. S. Army, 1st Avenue and 58th Street, Brooklyn, New York, is designated as the officer to make payments in accordance with this contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority SC-1313-P-5-3053-A-0605-01, the available balance of which is sufficient to cover the cost of same.

Article 16. *Articles and Supplies Called For* The contractor shall furnish and deliver to the Government all of the following:

Item 1, Radio Transmitting Equipment for Radio Sets.

Item 2, Spare Part Group for Item 1.

Item 3, Instruction Books for Radio Transmitter.

Item 4, Tube Sets, vacuum, for Radio Transmitter.

Item 5, Manufacturer's Drawings and Specifications covering all parts listed in Item 1.

Item 6, Radio Transmitting Equipment for Radio Sets.

Item 7, Instruction Books for Radio Transmitter.

Item 8, Spare Part Group for Item 6.

Item 9, Manufacturer's Drawings and Specifications covering all parts listed in Item 6.

Item 10, Tube Sets, vacuum, for Radio Transmitter.

Item 11, Tube Sets, Vacuum, for Radio Transmitter.

¹ U. S. Standard Form No. 32 (Revised). Approved by the Secretary of the Treasury June 18, 1935. Contract No. W227-sc-2438; dated September 10, 1940; File No. 700-NY-41; OCSO-DP-41-314.

Item 12, Radio Transmitting Equipment for Radio Sets.

Item 13, Radio Transmitting Equipment for Radio Sets.

Item 14, Instruction Books for Radio Transmitter.

Item 15, Spare Part Group for Items 12 and 13.

ARTICLE 20. *Performance bond.* Bond, with surety satisfactory to the contracting officer, guaranteeing the faithful performance of the provisions of this contract shall be furnished herewith in the sum of fifteen (15%) percent of the total consideration of this contract.

ARTICLE 22. *Delays—Liquidated damages.* The amount of such liquidated damages will be one-tenth of one percent (.1%) of the total contract price of all materials or supplies not delivered within the time specified for each and every calendar day of delay in making delivery of such materials or supplies, provided that in the event the amount of such liquidated damages so computed is less than \$10.00 per day for any one day liquidated damages shall be assessed and paid in the sum of \$10.00 for each and every calendar day of such delay in making deliveries as specified. Where contracts amount to \$10,000.00 or less, liquidated damages will be fixed at not less than \$10.00 per day.

In the event of any Liquidated Damages accruing as a result of this contract, the total amount of such Liquidated Damages shall not exceed fifteen (15%) percent of the total amount of this contract, including any increase applying thereto. Award made pursuant to the authority contained in Section 1 (a) of the Act of Congress approved July 2, 1940. (Pub. No. 703, H. R. 9850).

NEAL H. MCKAY,
Major, Quartermaster Corps,
Assistant to the
Director of Purchases and Contracts.

[F. R. Doc. 40-4512; Filed, October 25, 1940;
9:43 a. m.]

SUMMARY OF CONTRACT FOR SUPPLIES¹

GENERAL CABLE CORPORATION, 205 EAST 42ND STREET, NEW YORK, N. Y.

Contract for Wire W-110-B. Amount, \$2,183,424.56.

Place: New York Signal Corps Procurement District, 1st Avenue and 58th Street, Brooklyn, N. Y.

The Finance Officer, U. S. Army, 1st Avenue and 58th Street, Brooklyn, New York, is designated as the officer to make payments in accordance with this contract.

¹U. S. Standard Form No. 32 (Revised) Approved by the Secretary of the Treasury June 18, 1935. Contract No. W227-sc-2496; dated October 8, 1940; File No. 1170-NY-41; OCSO-DP-41-315; CP-W-227-41-NY-160.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority SC-1313-P-5-3061-A-0605-01, the available balance of which is sufficient to cover the cost of same.

ARTICLE 16. *Articles and supplies called for.* The contractor shall furnish and deliver to the Government all of the following:

Wire W-110-B in 2,400-foot lengths.
Wire W-110-B in one mile lengths.

ARTICLE 20. *Performance bond.* Bond, with surety satisfactory to the contracting officer, guaranteeing the faithful performance of the provisions of this contract shall be furnished herewith in the sum of ten (10%) percent of the total consideration of this contract.

ARTICLE 22. *Delays—Liquidated damages.* The amount of such liquidated damages will be one-thirtieth of one percent of the total contract price of all materials or supplies not delivered within the time specified for each and every calendar day of delay in making delivery of such materials or supplies, provided that in the event the amount of such liquidated damages so computed is less than \$3.33 per day for any one day liquidated damages shall be assessed and paid in the sum of \$3.33 for each and every calendar day of such delay in making deliveries as specified. Where contracts amount to \$10,000.00 or less, liquidated damages will be fixed at not less than \$3.33 per day.

ARTICLE 23. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor. In case such notice be given the contractor this contract shall terminate, ipso facto, upon the giving of said notice. Upon such termination the contractor shall forthwith deliver to the Government f. o. b. point of assembly in their then state of completion, all articles, spare parts, drawings, and other information and things called for herein, not previously delivered, and all work in process, materials, and fabricated parts acquired and/or produced by the contractor for the performance of this contract, and the Government shall then forthwith pay the contractor all amounts, if any, remaining due and unpaid under this contract for completed articles, spare parts, drawings, and other information and things called for herein, theretofore completed, delivered, and accepted by the Government; and the Government shall also forthwith pay the contractor for all partially completed articles, spare parts, work in process, materials, fabricated parts, drawings,

and other information and things to be so delivered hereunder.

NEAL H. MCKAY,
Major, Quartermaster Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 40-4513; Filed, October 25, 1940;
9:43 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-30, A-73, A-88]

PETITIONS OF MIDLAND ELECTRIC COAL CORPORATION, A CODE MEMBER IN DISTRICT No. 10, FOR TEMPORARY AND PERMANENT ORDER PROVIDING FOR (1) COORDINATION OF PRICES FOR RAILROAD FUEL TO THE CHICAGO AND NORTH WESTERN RAILWAY COMPANY; (2) COORDINATION OF PRICES FOR RAILROAD FUEL TO THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY FROM THE ATKINSON MINE OF PETITIONER; AND (3) COORDINATION OF PRICES FOR RAILROAD FUEL TO THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY FROM THE MIDDLE GROVE MINE OF PETITIONER

[Docket Nos. A-14, A-20, A-27]

PETITIONS OF THE CONSOLIDATED COAL COMPANY, A CODE MEMBER IN DISTRICT No. 10 FOR CHANGES IN (1) RAILROAD LOCOMOTIVE FUEL PRICE EXCEPTION NO. 17; (2) RAILROAD LOCOMOTIVE FUEL PRICE EXCEPTIONS NOS. 1-B AND 1-C; AND (3) RAILROAD LOCOMOTIVE FUEL PRICES ESTABLISHED FOR MINE INDEX NO. 75, IN DISTRICT No. 10, BY ESTABLISHMENT OF A PROVISION PERMITTING THE ABSORPTION OF THE DIVISION OF FREIGHT RATE APPLICABLE ON SHIPMENTS OF RAILROAD LOCOMOTIVE FUEL FROM SAID MINE TO THE ILLINOIS CENTRAL RAILROAD

NOTICE OF AND ORDER FOR HEARING AND ORDER CONSOLIDATING FOR HEARING PETITIONS IN DOCKET NOS. A-30, A-73, A-88, A-14, A-20, A-27, A-42, A-49, A-51, A-29, AND A-72

Original petitions, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed by the Midland Electric Coal Corporation (dated September 14, September 27, and September 30, 1940) and the Consolidated Coal Company (dated August 17, August 27, and September 6, 1940), Code members in District No. 10, with the Bituminous Coal Division of the Department of the Interior:

It is ordered, That the above entitled matters be consolidated for hearing with the matters in Docket Nos. A-42, A-49, A-51, A-29, A-72, and that the consolidated hearing be held on November 12, 1940, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records

Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearings from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other party herein and to such persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to Section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 7, 1940.

The matter concerned herewith is in regard to *Docket No. A-30*, the matter of the establishment of a provision permitting the absorption of the division of freight rate applicable on shipments of railroad locomotive fuel from Mine Index No. 95, District No. 10, to the Chicago and Northwestern Railway Company; *Docket No. A-73*, the matter of the modification of the effective minimum price established for Mine Index No. 2, District No. 10, on shipments of mine run locomotive fuel to the Chicago, Rock Island and Pacific Railroad Company; *Docket No. A-88*, the matter of the modification of the effective minimum price established for Mine Index No. 95, District No. 10, on shipments of mine run locomotive fuel to the Minneapolis and St. Louis Railroad Company; *Docket No. A-14*, the matter of the modification of railroad locomotive fuel Price Exception No. 17, page 47, of the Schedule of Effective Minimum Prices for District No. 10, For All Shipments Except Truck; *Docket No. A-20*, the matter of the modifica-

tion of railroad locomotive fuel price Exceptions Nos. 1-B and 1-C, page 45, of the Schedule of Effective Minimum Prices for District No. 10, For All Shipments Except Truck; and *Docket No. A-27*, the matter of the establishment of a provision permitting absorption of the division of freight rate applicable on shipments of railroad locomotive fuel from the Mine Index No. 75, District No. 10, to the Illinois Central Railroad.

All persons are hereby notified that the hearing in the above entitled matters and orders entered therein, may concern, in addition to the matters specifically alleged in the petitions of Midland Electric Coal Corporation and the Consolidated Coal Company, other matters incidental and related thereto, whether raised by amendment of the petitions, petitions of intervention or otherwise, and all persons are cautioned to be guided in their actions accordingly.

Dated: October 23, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4507; Filed, October 24, 1940;
12:54 p. m.]

[Docket No. A-119]

PETITION OF DISTRICT BOARD 4 FOR THE
ESTABLISHMENT OF PRICE CLASSIFICA-
TIONS AND MINIMUM PRICES FOR THE
COALS OF CERTAIN MINES NOT HERETO-
FORE CLASSIFIED AND PRICED

NOTICE OF AND ORDER FOR HEARING AND
GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held at 10 o'clock in the forenoon on November 13, 1940, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Mitchell, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director pro-

posed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 25, 1940.

The matter concerned herewith is in regard to the establishment of effective minimum prices for the coals of certain mines, hereinafter named, located in District 4 for which coals price classifications and minimum prices have not heretofore been established.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

It is further ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and hereby is, granted as follows: Commencing forthwith, the coals referred to in the schedules hereto annexed, marked "Temporary Supplement No. 3; Schedule of Effective Minimum Prices for District No. 4; for all shipments except truck" and "Temporary Supplement No. 3; Schedule of Effective Minimum Prices for District No. 4; for Truck Shipments," and made part hereof, shall be subject to minimum prices as provided in the said Temporary Supplements Nos. 3.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 19, 1940.

[SEAL]

DAN H. WHEELER,
Acting Director.

TEMPORARY SUPPLEMENT NO. 3—continued

Effective Minimum Prices for District No. 4 for All Shipments Except Truck—Con.

PRICES FOR ALL-RAIL SHIPMENT FROM MINES INDEXED BELOW INTO MARKET AREAS AS SHOWN

[For shipment into all market areas. See Schedule of Effective Minimum Prices, also applies to Market Areas 98 and 99 (Great Lakes), and Vessel Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Cambridge	16	Add 8	(See also subject to Exception No. 4)	Add Mine Index No. 680
				Add Mine Index No. 680
				Add Mine Index No. 682
Hocking	21, 22, 26, 27, 28		11, 109 (see also subject to Exception No. 4)	Add Mine Index No. 682
Pomeroy	23, 25		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 136, 168, 170, 171	Add Mine Index No. 187
Crooksville	31, 32		14, 22, 35, 70, 82, 100, 101, 105, 112, 113	Add Mine Index Nos. 2227, 2228
Middle	53, 54, 57		8, 97	Add Mine Index Nos. 784, 2379
			49, 50, 67, 94, 132	Add Mine Index No. 2220

Prices as shown in Schedule of Effective Minimum Prices apply to all additional mine index numbers herein above noted.

RAILROAD FUEL PRICES FOR ALL MOVEMENTS EXCLUSIVE OF LAKE CARGO RAILROAD FUEL FROM MINES INDEXED BELOW

[For shipment to railroads as shown—See Schedule of Effective Minimum Prices]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	10, 21, 30, 33, 39, 40, 48, 71, 72, 73, 81, 85, 87, 95, 96, 102, 104, 105, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162, 8, 25, 133, 153, 161	Add mine index Nos. 680
Chesapeake & Ohio Railway Co.	14, 38, 41, 47, 61, 70, 72, 73, 76, 82, 83, 101, 105, 112, 113, 130, 131, 168, 170, 171	Add mine index Nos. 784, 2378
New York Central System	1, 4, 5, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 69, 73, 74, 83, 90, 91	Add mine index Nos. 157, 2228
Pennsylvania Railroad Co.	100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172	Add mine index Nos. 680, 682, 2220
Akron, Canton & Youngstown Railway Co.	11, 23, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 132, 162, 165, 169	
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railway System		
Canadian Pacific Railway Co.		
Detroit & Toledo Shore Line Railroad Co.		
Erle Railroad		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)		
Pere Marquette Railway Co.		
For all Railroads not shown above		

Prices shown in the Schedule of Effective Minimum Prices apply to all additional mine index numbers herein above noted.

TEMPORARY SUPPLEMENT NO. 3^{1, 2}

Effective Minimum Prices for District No. 4 for All Shipments Except Truck

SEASONAL DISCOUNTS

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel, and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during month of—			
					April	May	June	July
Cambridge	16	Add 8	11, 109	Add mine index No. 680	30	20	10	August
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 136, 168, 170, 171	Add mine index No. 682	30	20	10	
Pomeroy	23, 25		14, 22, 35, 70, 82, 100, 101, 105, 112, 113	Add mine index Nos. 2227, 2228	50	40	30	20
Crooksville	31, 32		8, 97	Add mine index Nos. 784, 2379	30	20	10	
Middle	53, 54, 57		49, 50, 67, 94, 132	Add mine index No. 2220	30	20	10	

Seasonal discounts as shown in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

ALPHABETICAL LIST OF CODE MEMBERS HAVING RAILWAY LOADING FACILITIES, SHOWING PRICE CLASSIFICATION BY SIZE GROUP NUMBERS

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Freight group Nos.	Price classifications by size group Nos.
39	Del Carbo Mng. Co. (Emmett Carbo)	Del Carbo #2	5	6	Deep	41	1 2 3 4 5 6 7 8 9 10 11 12
187	Hazel Ridge Coal Co. (D. F. Shaler)	Hazel Ridge	5	6	Deep	22	K K O O O O O O O O
784	Harry J. Iles	Harry J. Iles	5	6	Strip	21	O O O O O O O O O O
2270	King Coal Co. (Clyde E. King)	King	5	6	Deep	25	K K O O O O O O O O
2227	Nash Coal Co.	Nash	5	6	Deep	54	Q Q Q Q Q Q Q Q Q Q
2250	Orchard Coal Co. (The Orchard Coal Co.)	Orchard	5	6	Deep	8	R R R R R R R R R R
2228	Rutland Coal Co. (Freeman Nelson)	Brown	5	8	Deep	23	K K O O O O O O O O
177	McFadden	McFadden	1	8	Strip	15	Q Q Q Q Q Q Q Q Q Q
482	Sugar Tree	Sugar Tree	2	7	Deep	16	R R R R R R R R R R
92	Williamson, J. B.	Williamson	1	8	Strip	14	Q Q Q Q Q Q Q Q Q Q

¹Subject to Exception No. 4, of Schedule of Effective Minimum Prices for District No. 4.²The material in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.³This Supplement contains temporary prices issued in accordance with Order of the Director of the Bituminous Coal Division in Docket A-119, dated October 19, 1940. Effective forthwith and continuing until further ordered.

Effective Minimum Prices for District No. 4 for Truck Shipments—Continued

PRICES IN CENTS PER NET TON FOR SHIPMENT INTO ALL MARKET AREAS—Continued

Code member index name	Mine	Mine Index No.	Seam	Base sizes							
				6' lump	3', 4', 5' lump	2' lump	2' x 4' egg	1 1/2' x 4' egg	1 1/2' lump and pea	2' x 0 slack	3/4' x 0 slack
SUB-DISTRICT NO. 1—EASTERN OHIO											
BELMONT COUNTY											
Coleman, James	Coleman Mine	551	8	285	275	260	235	230	220	200	190
Guinde Construction Company (c/o George R. Barnes)	No. 1	2289	8	275	265	250	225	220	210	190	180
J. P. Ramsay, Administrator, C. H. Ramsay Estate	Ramsay	560	8A	285	275	260	235	230	220	200	190
Schramm's Run Coal Co. (Harry F. Lewis)	Schramm's Run Coal Co.	562	8	285	275	260	235	230	220	200	190
HARRISON COUNTY											
Smolak, John	Smolak	2338	7	275	265	250	225	220	220	190	180
JEFFERSON COUNTY											
Bell, C. T.	Commonwealth	2273	8	285	275	260	235	230	220	200	190
Thompson & Sons (J. B. Thompson)	Foster	2271	8	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 2—CAMBRIDGE											
GUERNSEY COUNTY											
Hammond & Archer (C. W. Archer)	Dogwood	2347	7	270	260	245	220	220	220	200	190
Midway Coal Company (Emil Batik)	Midway	2350	7	270	260	245	220	220	220	200	190
Slicko, George, Jr.	Sugar Tree	682	7	270	260	245	220	220	220	200	190
Three C. Coal Company (John W. Gill)	Three C.	686	7	270	260	245	220	220	220	200	190
NOBLE COUNTY											
Allen & Son, C. H. (C. H. Allen)	Parks	2281	9	270	260	245	220	220	220	200	190
Finley, Homer E.	Shaler	2326	8	270	260	245	220	220	220	200	190
Gross, C. R.	Leonard	2286	9	270	260	245	220	220	220	200	190
Singer & Sons, Henry (Henry Singer)	Singer Mine	2211	8	270	260	245	220	220	220	200	190
Vanfossen Brothers (Delbert Vanfossen)	Vanfossen	2226	8	270	260	245	220	220	220	200	190
Van Fossen & Connery (Fleet Van Fossen)	Walnut	2238	8	270	260	245	220	220	220	200	190
SUB-DISTRICT NO. 3—BERGHOLZ											
JEFFERSON COUNTY											
Hughes, S. O.	S. O. Hughes	1937	8	285	275	260	235	230	220	200	190
Wade, Frank	Wade	2275	6	285	275	260	235	230	220	200	190
Wrikeman, G. R.	Wrikeman	2274	6	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 4—MIDDLE											
CARROLL COUNTY											
Lawrence, Homer K.	Lawrence	2224	Harkem	275	265	250	225	225	220	190	180
COLUMBIANA COUNTY											
Black Hawk Mines (Ermine Locke)	Black Hawk	2296	7	300	290	275	250	245	225	205	195
Burn Rite Coal Co. (Mike Mercure)	Burn Rite Coal	2204	7	300	290	275	250	245	225	205	195
Heim, Adolph	Heim	2209	6	300	290	275	250	245	225	205	195
Henry, Elwood P.	Henry	2216	6	300	290	275	250	245	225	205	195

Effective Minimum Prices for District No. 4 for Truck Shipments—Continued

PRICES IN CENTS PER NET TON FOR SHIPMENT INTO ALL MARKET AREAS—Continued

Code member index name	Mine	Mine Index No.	Seam	Base sizes									
				6' lump	3', 4', 5' lump	2' lump	2' x 6' egg	1 1/2' x 4' egg	1 1/4' x 4' egg	Mine run, nut and pea	2' x 0 slack	3/4' x 0 slack	
SUB-DISTRICT No. 4—MIDDLE—Con.													
TUSCARAWAS COUNTY—Continued													
Mushrush, Charles	2334	5	285	275	260	235	235	230	190	180		
Phillips, H. W.	2270	7	275	265	250	235	235	230	190	180		
Schilling, Harry J.	2327	5	285	275	260	235	235	230	190	180		
Schwartz, Russell	2342	6	275	265	250	235	235	230	190	180		
Shutt & Garver (H. A. Garver)	2332	3	275	265	250	235	235	230	190	180		
Silver Creek Coal Co. (Parker Reichman)	2311	6	275	265	250	235	235	230	190	180		
Tolotti & Bowman (Emanuel Tolotti)	2385	6	275	265	250	235	235	230	190	180		
Warner, Ralph	2340	6	275	265	250	235	235	230	190	180		
SUB-DISTRICT No. 5—HOCKING													
ATHENS COUNTY													
Co-operative Coal Company (Elmer Heath)	2320	7	280	270	260	235	230	195	165	155		
Del Carlo Mng. Co. (Emmett Carsey)	39	6	295	285	275	250	245	195	165	155		
Fulton Coal Company (Ray Fulton)	2328	7	280	270	260	235	230	195	165	155		
McManaway & Garsner (Donald Carner)	2355	6	295	285	275	250	245	195	165	155		
Hazel Ridge Coal Co. (D. F. Shaffer)	187	6	295	285	275	250	245	195	165	155		
Peacock Coal Company (Wm. Lohmeyer)	2331	7	280	270	260	235	230	195	165	155		
Riley & Son (F. B. Riley)	2337	6	295	285	275	250	245	195	165	155		
Roberts & Hubler (Victor Hubler)	2323	8	270	260	250	225	220	193	165	155		
Spencer & O'Neil (James E. Spencer)	2320	6	295	285	275	250	245	195	165	155		
HOCKING COUNTY													
Dumont Hollow Coal Company (Theodore Nutter)	2319	6	295	285	275	250	245	195	165	155		
Rutherford Bros. (Ralph Rutherford)	2321	6	295	285	275	250	245	195	165	155		
FERRY COUNTY													
Brown Brothers (J. G. Brown)	2299	6	295	285	275	250	245	195	165	155		
Burr Oak Coal Company (F. P. Thompson)	2284	7	280	270	260	235	230	195	165	155		
McCormick & Company, S. E. (S. E. McCormick)	2310	8	295	285	275	250	245	195	165	155		
Iles, Harry J.	2376	6	280	270	260	235	230	195	165	155		
SUB-DISTRICT No. 6—CROOKSVILLE													
MORGAN COUNTY													
Fisher & Company, Russell	2231	9	280	270	260	235	230	195	165	165		
Garris, Lew	2232	9	280	270	260	235	230	195	165	165		
MUSKINGHAM COUNTY													
Bloom & Vessels Coal Company (Paul R. Vessels)	901	6	280	270	260	235	230	195	165	165		
Coburn, John	2229	9	280	270	260	235	230	195	165	165		
Mitchell & Maurer (Edward Mitchell)	2389	6	280	270	260	235	230	195	165	165		
Revennaugh & Son, F. C. (F. C. Revennaugh)	2308	8	280	270	260	235	230	195	165	165		

*Indian Lodge Mine has no connection with Silver Maple Mine, Mine Index No. 1630.

Effective Minimum Prices for District No. 4 for Truck Shipments—Continued

PRICES IN CENTS PER NET TON FOR SHIPMENT INTO ALL MARKET AREAS—Continued

Code member index name	Mine	Mine Index No.	Base sizes									
			6" lump	3", 4", 5" lump	2" lump	2" x 4" egg	1 1/2" x 4" egg	1 1/4" x 4" egg	2" x 0 slack	3/4" x 0 slack		
SUB-DISTRICT NO. 6—CROOKSVILLE—Continued												
FERRY COUNTY												
Burley Run Coal Company (Mason T. Moore)	Burley Run	2342	280	270	260	235	230	195	165	155		
Lamb & Co., Carl (Carl Lamb)	Lamb	2341	280	270	260	235	230	195	165	155		
Montell & Company, Louis (Louis Montell)	Montell	2302	280	270	260	235	230	195	165	155		
Riffe & Company, Arnold W. (A. W. Riffe)	AA	2298	280	270	260	235	230	195	165	155		
Slay, W. S.	Lewis	2331	280	270	260	235	230	195	165	155		
Spicer & Co., Wm. (Wm. Spicer)	W. L. W.	945	280	270	260	235	230	195	165	155		
W. L. W. Coal Company (John Foreney)	W. L. W.	2281	280	270	260	235	230	195	165	155		
SUB-DISTRICT NO. 7—JACKSON												
JACKSON COUNTY												
Bard & Coon (O. O. Bard)	Bard	1094	295	285	275	250	245	195	175	165		
Campbell & Morris (Arthur W. Campbell)	Campbell & Morris	2315	295	285	275	250	245	195	175	165		
Gilmore Coal Co. (Gerald Gilmore)	Jones	1008	295	285	275	250	245	195	175	165		
Harrel & Stuffer (Daniel W. Harrel)	Hammerstown	1033	295	285	275	250	245	195	175	165		
Kesinger, Russell	Keelinger	2324	295	285	275	250	245	195	175	165		
Foe, Alfred	# 2	2230	295	285	275	250	245	195	175	165		
LAWRENCE COUNTY												
Adkins Bros. (Floyd Adkins)	Adkins	2344	295	285	275	250	245	195	175	165		
Barcus, Grant G.	Barcus	2348	295	285	275	250	245	195	175	165		
Barney, J. D.	Barney	1149	295	285	275	250	245	195	175	165		
Carter, Dock & Al (Dock Carter)	Ellenator #2	1129	295	285	275	250	245	195	175	165		
Derfield & Moore (Robert Derfield)	Kelly #2	2290	295	285	275	250	245	195	175	165		
Hankins, B. H.	Hankins	2292	295	285	275	250	245	195	175	165		
Howell, Ghan & Hunley Coal Co. (J. D. Howell)	Ghan	2283	295	285	275	250	245	195	175	165		
Kidd & Webb (Henry Kidd)	Kidd	2285	295	285	275	250	245	195	175	165		
McComas, Berkley (McComas Coal Co.)	Berkley McComas	2340	295	285	275	250	245	195	175	165		
O'Neill, Clyde	O'Neill	2343	295	285	275	250	245	195	175	165		
Sheets, William	Sheets	2339	295	285	275	250	245	195	175	165		
Tredway, W. L. & Tip (W. L. Tredway)	Ellenator #1	2345	295	285	275	250	245	195	175	165		
Webb Coal Co. (Hazel Webb)	Webb	1148	295	285	275	250	245	195	175	165		
Webb, Kelly & Walters Coal Co. (Lester Kelly)	Kelly #1	2234	295	285	275	250	245	195	175	165		
VINTON COUNTY												
McArthur Stone Co. (Ralph Crow)	Crow #1	2330	295	285	275	250	245	195	175	165		
Peacock & Ogan (Frank Peacock)	Peacock	1219	295	285	275	250	245	195	175	165		
SUB-DISTRICT NO. 8—POMEROY												
GALLIA COUNTY												
Athey, Clair	Athey	2377	295	285	275	250	245	195	175	165		
Dennison Coal Co., Henry (Henry Dennison)	Massie	2161	295	285	275	250	245	195	175	165		
Ewing, Raymond	Davis	1247	295	285	275	250	245	195	175	165		
King & Bevan (Asa Bevan)	Bevan	2270	295	285	275	250	245	195	175	165		

Effective Minimum Prices for District No. 4 for Truck Shipments—Continued

PRICES IN CENTS PER NET TON FOR SHIPMENT INTO ALL MARKET AREAS—Continued

Code member index name	Mine	Mine Index No.	Seam	Base sizes							
				6' lump	3", 4", 5' lump	2' lump	2' x 4" egg, 2' x 3" egg	1 1/4" lump, 1 1/2" x 4" egg	Mine run, nut and pea	2' x 0 slack	3/4" x 0 slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 8—POMEROY—CON.											
GALLIA COUNTY—continued											
Leading Creek Coal Co. (Worley Haley).	Carson	2318	8	295	285	275	250	245	195	140	140
Ragan, Franklin W.	Garland	2272	8	295	285	275	250	245	195	140	140
Rife, Marlin	Metcalf	1261	8	295	285	275	250	245	195	140	140
Rutland Coal Co. (Freeman Nelson)	Brown	2228	8	295	285	275	250	245	195	140	140
Sansbury Coal Co. (Charley Sansbury).	Sansbury	2312	8	295	285	275	250	245	195	140	140
Williams, James Preston	Williams	1266	8	295	285	275	250	245	195	140	140
MEIGS COUNTY											
Donahue Coal Co. (Clyde Donahue)	Barton	2317	8	295	285	275	250	245	195	140	140
Hager & Russell (Edgar Russell)	Hager & Russell	2170	6	295	285	275	250	245	195	140	140
Hembrick Coal Co. (W. H. Hembrick).	Hembrick	2305	8	295	285	275	250	245	195	140	140
Hyssell Bros. (Henry Hyssell)	Barrett	2316	8	295	285	275	250	245	195	140	140
Hyssell, Dolph	Dolph Hyssell	2301	8	295	285	275	250	245	195	140	140
Jordan, C. R.	Jordan	2313	8	295	285	275	250	245	195	140	140
Kennedy Coal Co. (W. A. Kennedy)	Kennedy	2306	8	295	285	275	250	245	195	140	140
King Coal Co. (Clyde E. King)	King	2227	8	295	285	275	250	245	195	140	140
Lee Bros. Coal Co. (William H. Lee)	Karr	2207	8	295	285	275	250	245	195	140	140
Miller, Marshall A.	Miller	2303	8	295	285	275	250	245	195	140	140
New Coal Ridge Coal Co. (Madison Perry).	New Coal Ridge Coal.	2300	8	295	285	275	250	245	195	140	140
R & S & Co. (George Renshaw)	R & S	1308	8A	295	285	275	250	245	195	140	140

[F. R. Doc. 40-4506; Filed, October 24, 1940; 12:53 p. m.]

[Docket No. A-151]

PETITION OF CONSOLIDATION COAL COMPANY FOR REVISION OF PRICE INSTRUCTION 4 IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1 FOR ALL SHIPMENTS EXCEPT TRUCK SO AS TO PERMIT SHIPMENT OF OVERSIZED 3/4" x 0 COALS FROM MINE NO. 120-121 (ACOSTA), MINE INDEX NO. 115-116, DISTRICT NO. 1

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 25, 1940, at ten o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, cor-

respondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 20, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be

necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to petition of Consolidation Coal Company for preliminary or temporary and final orders waiving the applicability of Price Instruction 4 of the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck to the coals of the petitioner's No. 120-121 (Acosta) Mine, Mine Index No. 115-116, District No. 1 so as to permit oversize 3/4" x 0 coals from that mine to be shipped at the effective minimum prices established for 3/4" x 0 (Size Group 5) coals to New York City Transit System, New York Steam Corporation, Bethlehem Steel Corporation, Aspinock Corporation, and the Kenecott Copper Corporation (for shipment to Chase Brass & Copper Company).

Dated: October 23, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4508; Filed, October 24, 1940; 12:54 p. m.]

[Dockets Nos. A-57, A-39, A-43, A-81, A-87, A-61]

PETITIONS OF DISTRICT BOARDS 1, 2, 7, 8, 12 AND 13, RESPECTIVELY, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF POSTPONEMENT OF HEARING AND ORDER OF CONSOLIDATION

Notice is hereby given that the hearings in the above-entitled matters, originally scheduled for October 28, 1940, are hereby postponed to 10 o'clock in the forenoon on November 13, 1940, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearings will be held.

It is ordered, That the above-entitled matters be consolidated for the purposes of hearing and for such other purposes as the officer designated to preside at said hearing may deem appropriate.

Dated: October 25, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4516; Filed, October 25, 1940; 10:49 a. m.]

[Docket No. A-78]

PETITION OF TECUMSEH COAL CORPORATION FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 105, DISTRICT NO. 11, IN SIZE GROUPS 17 TO 25, INCLUSIVE

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

The original petitioner in the above-entitled matter prays for the issuance of

temporary and final orders reducing the effective minimum prices for coals of Mine Index No. 105 in Size Groups 17 to 25 inclusive to those established for raw coals in the same sizes (Size Groups 9 to 16 inclusive), when sold to the Indianapolis Power and Light Company (the "Company").

The Bituminous Coal Producers Board for District No. 11, the Ayrshire Patoka Collieries, Black Hawk Coal Corporation, Enos Coal Mining Company and Hickory Grove Coal Mining Corporation intervened in these proceedings.

After due notice the matter of temporary and final relief came on for a formal hearing on October 11, 1940 before the Director in accordance with Section 301.105 of the Rules and Regulations governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Rules"). Considerable testimony was taken. The hearing was adjourned until November 22, 1940 so that the matter might be further investigated.

Represented at the hearing were the original petitioner, the Consumers' Counsel Division, District Board No. 11, Ayrshire Patoka Collieries, Black Hawk Coal Corporation, Hickory Coal and Mining Corporation, Enos Coal Mining Company, Midland Electric Coal Corporation, Central States Collieries Corporation, Truax-Traer Coal Company United Electric Company, South Western Electric Coal Corporation and the Pyramid Coal Corporation.

The petitioner, in addition to incorporating into the record by reference certain testimony adduced in General Docket No. 15-A, presented evidence in order to substantiate the contention that it will be unable to continue selling to the Company its washed screenings if they are priced higher than Standard Fifth Vein raw screenings currently being supplied to the same consumer. The evidence relative to this matter in General Docket 15-A was voluminous. The Director was of the opinion that the contentions of the petitioner in that Docket were not fully substantiated by the evidence and that the matter would "require further investigation in any 4 II (d) proceeding which might be brought" in the matter.

Petitioner introduced evidence in order to show that its mine is now shut down because of its inability to sell its washed screenings to the Company at the established minimum prices and that it will probably be enabled to operate if the temporary relief requested is granted.

There is evidence which indicates that due to a large parting or dirty band in the seam the coal produced by the petitioner's present mining methods is not marketable in its raw state. Evidence of plant performance tests at the various plants of the Company appears to indicate that the steam conversion values of

Tecumseh washed industrial screenings and the raw industrial screenings customarily used at the plants are about equal. It appears from the record that steam conversion value is an important factor in determining the Company's coal purchases. A representative of the company indicated that it followed the practice of "spreading" its coal purchases among various producers in order to insure the availability of reliable sources of supply and that the petitioner has supplied a portion of the Company's requirements ever since the mine was opened. He also indicated that, in the event the temporary relief herein requested is granted to the petitioner, the Company did not contemplate diverting its orders for coal from other producers to the petitioner, and that the Company would continue its policy of "spreading" the business. If the Company continues its present purchasing policies, it appears that the granting of temporary relief, permitting the petitioner to ship washed industrial screenings to the Company at the same price as other Standard Fifth Vein raw screenings, will therefore not result in prejudice to any other producer and will not prevent any other producer who has heretofore shipped coal to the Company from continuing to do so.

The only opposition to the granting of such temporary relief is on the theory that the price relationships between petitioner's washed screenings and Standard Fifth Vein raw screenings should not be different for the Company than it is generally for other consumers in Indiana markets. Although this position may prove to be sound upon the conclusion of the final hearing in this matter, it does not appear, in view of petitioner's apparent urgent need for temporary relief, that this is sufficient reason to deny such relief pending the final disposition of the petition herein. The relief requested by the original petitioner in respect to sales to the Company should be granted, pending the final disposition of this proceeding, and accordingly it is so ordered.

This order is subject to the following conditions:

(1) The petitioner shall file with the Division a verified weekly statement, to be incorporated in, and made part of, the record in this proceeding, showing the tonnage shipped to the Company and indicating the prices at which such tonnage is sold, pursuant to the provisions of this temporary order. This weekly statement must include data showing all other producers from whom the Company purchases coal, together with tonnages purchased and prices paid.

(2) A witness for the petitioner agreed to furnish a statement for the record indicating the tonnage purchased by the Company during the fiscal year ending June 30, 1940, and the price differentials at which the coals were purchased. In the event this statement is not filed with-

in twelve days from the date hereof, the Director will entertain an application to vacate this order.

In the event that the data so supplied shows that the effect of this temporary order is to allow petitioner to obtain a greater share of the Company's business than it has heretofore enjoyed, appropriate action may be taken to terminate or modify this order.

Applications to stay, terminate, or modify this temporary order, or pleadings in opposition to the final relief requested in the original petition may be filed pursuant to the applicable provisions of the Rules.

Dated: October 24, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4517; Filed, October 25, 1940; 10:49 a. m.]

[Docket No. A-110]

PETITION OF DISTRICT BOARD 8 FOR RECLASSIFICATION OF BENEDICT COAL CORPORATION, BLUE DIAMOND COAL COMPANY, AND HIGH SPLINT COAL COMPANY

NOTICE OF AND ORDER FOR HEARING AND ORDER DENYING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 18, 1940, at ten o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party

herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 13, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matter specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition of District Board 8 for a reduction in classification of the Virglow Mine of Benedict Coal Corporation, Mayflower Mine of Blue Diamond Coal Company, and Hi-Lo Mine of High Splint Coal Company in Size Group 10, from "C" to "E", in Size Groups 18-21 from "J" to "L", and in Size Group 22 from "N" to "P" for shipment to all destinations.

Petitioner having requested that temporary relief be granted pending the disposition of the petition, and an informal conference having been held on October 17, 1940, on notice to interested persons, and the Director having considered the request for temporary relief and the views expressed in support thereof by the petitioner and in opposition thereto by interested persons appearing at the informal conference, and the Director having found that petitioners failed to make a reasonable showing of necessity for temporary relief,

Now, therefore, it is ordered, That the petition for temporary relief is denied.
Dated: October 24, 1940.

[SEAL]

H. A. GRAY,
Director.[F. R. Doc. 40-4520; Filed, October 25, 1940;
10:50 a. m.]

[Docket No. A-117]

PETITION OF GREENWOOD COAL COMPANY,
LAUREL CREEK COAL COMPANY AND
LAUREL SMOKELESS COAL COMPANY FOR
A CHANGE IN DISTRICT 7 SIZE GROUPINGS

NOTICE OF AND ORDER FOR HEARING AND
ORDER DENYING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 26,

1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 21, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a request of petitioners that the size groupings be amended so that petitioners could sell their Class "A" coal of $\frac{5}{8}$ " lump size in Size Group 6 rather than in Size Group 1.

Petitioners having requested that temporary relief be granted pending the disposition of the petition, and an informal conference having been held on October 19, 1940, on notice to interested persons, and the Director having considered the request for temporary relief and the views expressed in support thereof by the petitioners and in opposition thereto by interested persons appearing at the informal conference, and the Director having found that petitioners failed to make a reasonable showing of necessity for temporary relief,

Now, therefore, it is ordered, That the petition for temporary relief is denied.
Dated: October 24, 1940.

[SEAL]

H. A. GRAY,
Director.[F. R. Doc. 40-4519; Filed, October 25, 1940;
10:50 a. m.]

[Docket No. A-133]

PETITION OF DISTRICT BOARD 8 FOR CHANGE
IN CLASSIFICATION OF SIZE GROUPS 1-6
OF COALS OF STONEGA COKE AND COAL
COMPANY

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 14, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 9, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related

thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition of District Board 8 for a reduction in classification of coal from the Dunbar and Derby No. 3 and 4 Mines of Stonega Coke and Coal Company in Size Groups 1-4 from "C" to "E" and in Size Groups 5 and 6 from "D" to "E".

Dated: October 24, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4522; Filed, October 25, 1940;
10:50 a. m.]

[Docket No. A-134]

PETITION OF DISTRICT BOARD 8 FOR CHANGE
IN CLASSIFICATION IN SIZE GROUP 22
COALS OF PRUDEN COAL AND COKE COM-
PANY

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 14, 1940, at 2 o'clock in the afternoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on

the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 9, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition of District Board 8 for an increase in classification of coals in Size Group 22 produced by Pruden Coal and Coke Company from its Back Creek No. 2 Mine from "P" to "N".

Dated: October 24, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4521; Filed, October 25, 1940;
10:50 a. m.]

[Docket No. A-159]

PETITION OF DISTRICT BOARD 8 FOR CHANGE
IN CLASSIFICATION IN SIZE GROUPS
18-21 OF COALS PRODUCED BY WEST VIR-
GINIA COAL AND COKE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 15, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 11, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition of District Board 8 requesting that the coals of West Virginia Coal and Coke Corporation from its Mico No. 3 Mine in Size Groups 18-21 be increased in classification from "G" to "D".

Dated: October 24, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4518; Filed, October 25, 1940;
10:49 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket Nos. 334, 204]

AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING¹

In the Matter of the Compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith; in the Matter of the Petition for the determination of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith on AM Routes 4 and 23, under Section 406 of the Civil Aeronautics Act of 1938.

The above-entitled proceeding, involving the determination of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith by American Airlines, Inc., now assigned for public hearing on October 28, 1940, is hereby postponed to November 25, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Willard Hotel, 14th Street

¹ Issued by Civil Aeronautics Board.

and Pennsylvania Avenue NW., Washington, D. C., before Examiner Frank A. Law, Jr.

Dated Washington, D. C., October 23, 1940.

[SEAL] FRANK A. LAW, JR.,
Examiner.

[F. R. Doc. 40-4503; Filed, October 24, 1940;
12:53 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

ORDER CLASSIFYING INTER-COUNTY TELEPHONE COMPANY AS A CARRIER SUBJECT TO PROVISIONS OF COMMUNICATIONS ACT OF 1934, AS AMENDED

At a regular session of the Federal Communications Commission held on the 15th day of October 1940,

The Commission having under consideration the classification of The Inter-County Telephone Company; and

It appearing from information and data contained in the Commission's records that The Inter-County Telephone Company engages in interstate and foreign communication by means of a physical connection with the Southwestern Bell Telephone Company; and

It further appearing, that The Inter-County Telephone Company is controlled, either directly or indirectly, by the Southwestern Bell Telephone Company,

It is therefore, ordered, That The Inter-County Telephone Company be, and it is hereby, classified as a carrier subject to all provisions of the Communications Act of 1934, as amended, applicable to common carriers by wire; *Provided, however,* That if The Inter-County Telephone Company files a verified petition for exemption under Section 2 (b) (2) of the Communications Act, as amended, setting forth the facts upon which it bases such claim for exemption, within thirty days from this date, the Order of Classification herein made shall not become effective until the further order of this Commission.

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 40-4537; Filed, October 25, 1940;
11:48 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4160]

IN THE MATTER OF I. RALPH WEINSTOCK, AN INDIVIDUAL, TRADING AS THYROLE PRODUCTS COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of October, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Robert S. Hall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, October 29, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in hearing room of the Federal Trade Commission, Sixth Street and Constitution Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4524; Filed, October 25, 1940;
11:11 a. m.]

[Docket No. 4166]

IN THE MATTER OF HENRY M. SALISBURY AND FRANK R. JOHNSON, TRADING AS SMOKE CONDITIONER COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of October, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, November 8, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4525; Filed, October 25, 1940;
11:11 a. m.]

FEDERAL WORKS AGENCY.

Public Works Administration.

[Administrative Order No. 319]

POWERS, FUNCTIONS AND DUTIES OF PROJECT ENGINEER, PWA, FOR PWA DOCKET NO. WASH. 1180-F, SEATTLE, WASH., AND PWA DOCKET NO. 1870-F (WASH.), TACOMA, WASHINGTON

OCTOBER 22, 1940.

1. Except as otherwise indicated in Paragraph 2 hereof, all the powers, functions and duties authorized to be exercised and performed by any Regional Director's Office with respect to the PWA dockets listed below shall be exercised and performed by Lindley R. Durkee, Project Engineer, PWA, designated for those dockets and projects.

Docket No. and Applicant

Wash. 1180-F, Washington Toll Bridge Authority.

1870-F (Wash.), Washington Toll Bridge Authority.

2. The Project Engineer shall request the Director, Engineering Division, to assign, and the latter shall assign, to the Project Engineer such Inspectors as may be necessary to provide, for PWA, adequate inspection of the projects which are under the supervision of the Project Engineer. During the period of their assignments, such Inspectors shall be responsible to the Project Engineer, who may assign them to any of the projects under his supervision. When, in the opinion of the Project Engineer, the services of any Inspector so assigned to him are no longer required by him, he shall accordingly notify the Director, Engineering Division, sufficiently in advance of the date when such Inspector's services will no longer be so required, to the end that appropriate action may be taken to arrange for the furlough of such Inspector or to utilize his services elsewhere.

3. All other orders and parts of orders in conflict herewith are hereby rescinded.

E. W. CLARK,

Commissioner of Public Works.

[F. R. Doc. 40-4514; Filed, October 25, 1940;
9:44 a. m.]

[Administrative Order No. 320]

POWERS, FUNCTIONS AND DUTIES OF PROJECT ENGINEER, PWA, FOR PWA DOCKET NO. CALIF. 1644-F, LOS ANGELES, CALIF.; DOCKET NO. CALIF. 1680-F, LOS ANGELES, CALIF.; DOCKET NO. CALIF. 1708-F, LOS ANGELES, CALIF.; AND DOCKET NO. CALIF. 2127-F, BERKELEY, CALIF.

OCTOBER 22, 1940.

1. Except as otherwise indicated in Paragraph 2 hereof, all the powers, functions and duties authorized to be exercised and performed by any Regional Director's Office with respect to the PWA dockets listed below shall be exercised and performed by Wright L. Felt, Project

Engineer, PWA, designated for those docket and projects.

Docket No. and Applicant

Calif. 1644-F, City of Los Angeles.
Calif. 1680-F, City of Los Angeles.
Calif. 1708-F, City of Los Angeles.
Calif. 2127-F, The Regents of the University of California.

2. The Project Engineer shall request the Director, Engineering Division, to assign, and the latter shall assign, to the Project Engineer such Inspectors as may be necessary to provide, for PWA, adequate inspection of the projects which are under the supervision of the Project Engineer. During the period of their assignments, such Inspectors shall be responsible to the Project Engineer, who may assign them to any of the projects under his supervision. When, in the opinion of the Project Engineer, the services of any Inspector so assigned to him are no longer required by him, he shall accordingly notify the Director, Engineering Division, sufficiently in advance of the date when such Inspector's services will no longer be so required, to the end that appropriate action may be taken to arrange for the furlough of such Inspector or to utilize his services elsewhere.

3. All other orders and parts of orders in conflict herewith are hereby rescinded.

E. W. CLARK,

Commissioner of Public Works.

[F. R. Doc. 40-4515; Filed, October 25, 1940; 9:44 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 137]

CONTRACTS FOR PROTECTIVE SERVICES

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of October, A. D. 1940.

The Commission, Division 3, having under consideration the practices of common carriers by railroad and express companies in the matter of contracts, agreements, or arrangements between common carriers by railroad or express companies and any persons for furnishing to or on behalf of such railroads or express companies of protective service against heat or cold to property transported or to be transported in interstate or foreign commerce:

It is ordered, That all common carriers by railroad and express companies subject to Part I of the Interstate Commerce Act are made respondents hereto, and that they shall on or before December 1, 1940, file with the Commission five copies (one of which shall be verified) of all currently operative contracts, agreements, or written arrangements under which is furnished to or on behalf of such railroads or express companies protective service against heat or cold to property trans-

ported or to be transported in interstate or foreign commerce.

It is further ordered, That any protective service furnished within the meaning of the foregoing which is accomplished pursuant to an unwritten contract, agreement, or arrangement shall be covered by a written contract and five copies of such contract (one of which shall be verified) shall be filed with the Commission as provided in the preceding paragraph hereof.

It is further ordered, That respondents shall inform the Commission in writing on or before March 15, 1941, which of the contracts or other writings filed pursuant hereto are to remain in effect on and after April 1, 1941.

And it is further ordered, That respondent shall file with the Commission not later than March 15, 1941, five copies (one of which shall be verified) of any and all amendments to contracts, agreements, or arrangements filed pursuant hereto and that all new contracts, agreements, or arrangements shall be filed with the Commission as required by section 1 (14) of Part I of the Act.

By the Commission, division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 40-4533; Filed, October 25, 1940; 11:25 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-20]

IN THE MATTER OF SOUTHEASTERN ELECTRIC AND GAS COMPANY, EASTERN POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1940.

Southeastern Electric and Gas Company, a registered holding company, and Eastern Power Company, a wholly owned subsidiary of Southeastern Electric and Gas Company have made certain filings under the Public Utility Holding Company Act of 1935 concerned with the merger of Eastern Power Company into Southeastern Electric and Gas Company; the proposed plan being that Southeastern Electric and Gas Company is to acquire all of the assets and assume the liabilities of Eastern Power Company, the sole public liability of Eastern Power Company being a note to The Chase National Bank of the City of New York, which as at July 31, 1940, amounted to \$123,500;

Applicants and declarant have designated section 11 (e) or in the alternative, sections 6, 7, 9, 10 and 12 as being applicable to the proposed transactions;

It is ordered, That a hearing on such matters under the applicable sections of said Act be held on November 7, 1940, at

10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 2, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4527; Filed, October 25, 1940; 11:14 a. m.]

[File No. 70-188]

IN THE MATTER OF INTERSTATE POWER COMPANY, INTERSTATE POWER COMPANY OF NEBRASKA

NOTICE REGARDING FILING SUBJECT TO RULE U-8

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1940.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than November 4, 1940, at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is

on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Interstate Power Company of Nebraska is a wholly owned subsidiary of Interstate Power Company, a registered holding company, which company is a subsidiary of Ogden Corporation, also a registered holding company. It is now proposed that Interstate Power Company of Nebraska be merged into Interstate Power Company, which will assume all the obligations of Interstate Power Company of Nebraska and acquire all the utility assets of that company. According to the application the purpose of the said merger is to effect certain economies in operations and to enable Interstate Power Company to more economically effect the sale of the aforesaid properties.

The applicants consider section 9 (a) (1) and section 10 of the Public Utility Holding Company Act of 1935 to be applicable to the acquisition of the utility assets by Interstate Power Company and section 12 of said Act and Rule U-12F-1, promulgated thereunder, applicable to the disposition of the assets by Interstate Power Company of Nebraska.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4526; Filed, October 25, 1940;
11:14 a. m.]

[File No. 57-16]

IN THE MATTER OF SIOUX FALLS GAS COMPANY, ET AL.

AMENDATORY ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23d day of October, A. D. 1940.

This Commission having heretofore under date of March 21, 1940 duly entered an order,¹ subject to certain conditions contained therein, in the above entitled proceedings whereby Central U. S. Utilities Company, a registered holding company, approving the following applications: one application filed pursuant to section 10 (a) (2) of the Public Utility Holding Company Act of 1935 concerning the acquisition by it of all the physical assets of Sioux Falls Gas Company, a wholly owned subsidiary of Central U. S. Utilities Company; a second application filed pursuant to Rule U-12D-1 promulgated under the Act concerning the sale of substantially all of the assets of Sioux Falls Gas Company to Central Electric and Telephone Company, a third application pursuant to section 10 (a) (1) of the Act concerning the acquisition of 4,000 shares \$50 per share par value 6% preferred stock of Central Electric and Telephone Com-

pany, and a fourth application pursuant to Rule U-12D-1 promulgated under the Act concerning the sale of said 4,000 shares of preferred stock of Central Electric and Telephone Company to Loewi & Company;

Said order further approving an application by Sioux Falls Gas Company filed pursuant to Rule U-12F-1 promulgated under the Act concerning the sale of its physical assets to Central U. S. Utilities Company;

Said order providing among other things that the Commission reserved jurisdiction over the payment of any fees to Travis, Brownback & Paxson in connection with the transactions embraced by said applications;

It is ordered, That the specific reservation of jurisdiction set forth in condition No. (6) of said order of March 21, 1940, be and the same hereby is stricken from said order subject to the following condition which is severally imposed upon Central U. S. Utilities Company and Sioux Falls Gas Company in so far as it may be applicable to either of them:

1. That when the fee to Travis, Brownback & Paxson for services rendered and expenses incurred in connection with the transactions outlined in the above mentioned applications are paid the applicant shall file with this Commission a detailed statement showing the amounts of such payments and the accounts charged for which such payments were made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary

[F. R. Doc. 40-4530; Filed, October 25, 1940,
11:15 a. m.]

[File No. 70-125]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY

ORDER WITH RESPECT TO APPLICATION AND DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of October, A. D. 1940.

The United Light and Power Company having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10 (a) (1) and 12 (c) thereof and the rules thereunder, for the approval of the acquisition from time to time prior to January 1, 1941, at an aggregate cost not to exceed \$1,000,000 of (1) its own outstanding debentures and outstanding 6% Debenture Bonds, Series "A", of The United Light and Railways Company (Maine) assumed by said The United Light and Power Company, and (2) of outstanding debentures and preferred stock of The United Light and Railways Company (Delaware) and Continental Gas & Electric Corporation; and

Appropriate notice¹ having been given of the filing of said application and declaration, the Commission having held a hearing with respect thereto, and the Commission having examined the record herein and being fully advised in the premises and the Commission having filed its findings and opinion herein;

It is ordered, That said application, insofar as it seeks authority to acquire debentures and preferred stock of The United Light and Railways Company (Delaware) and of debentures and preferred stock of Continental Gas & Electric Corporation, be and is hereby denied;

It is further ordered, That said application, insofar as it seeks authority to acquire debentures of The United Light and Power Company and 6% Debenture Bonds of The United Light and Railways Company (Maine), at an aggregate cost not to exceed \$1,000,000 prior to January 1, 1941, be and is hereby granted, subject to the following terms and conditions:

(1) The purchase of debentures shall be made only after an opportunity for tenders has been given to the outstanding debenture holders.

(2) Notice of the opportunity to make such tenders shall be given by the company to all of the debenture holders whose names and addresses are known to it or are reasonable ascertainable. Such notice shall be accompanied by such financial and other information as is appropriate to enable the debenture holder to decide whether or not to tender, a copy of which information shall be filed with the Commission not later than five days prior to its transmission to debenture holders.

(3) Notice shall also be given by publication in at least one daily newspaper published and of general circulation in each of the following cities: New York, N. Y.; Chicago, Illinois; Philadelphia, Pennsylvania; and San Francisco, California. Such notice shall state the time within which such tenders may be made and shall state that any debenture holder interested may obtain from the company a copy of the financial information required to be sent to known debenture holders.

(4) The final date for acceptance of tenders shall not be earlier than ten days after the aforesaid published notice and the mailing of the notices to debenture holders.

(5) In the event such tenders are not received at a price satisfactory to the company, the company may thereafter solicit additional tenders following the same procedure hereinbefore required.

(6) The company shall file with the Commission within 15 days after the first acceptance of tenders, and thereafter within 15 days after the close of any calendar month in which additional

¹ 5 F.R. 1191.

¹ 5 F.R. 2780.

tenders were accepted, a certificate of notification giving the amounts of debentures purchased together with the prices paid and the names and addresses of the persons from whom such debentures were acquired.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4531; Filed, October 25, 1940;
11:15 a. m.]

[File No. 70-161]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF OKLAHOMA

ORDER GRANTING APPLICATION PURSUANT TO RULE U-8

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of October, A. D. 1940.

The above named person having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly Section 10 thereof, regarding the acquisition by Public Service Company of Oklahoma, a subsidiary of The Middle West Corporation, a registered holding company, of all the property and assets of every kind and nature of its non-utility subsidiary, Weleetka Pipe Line Company, all the outstanding securities of which, consisting of 390 shares of capital stock of the par value of \$100 per share, are owned by Public Service Company of Oklahoma, and which pipe line company owns gas gathering lines and a gas transmission line in Okfuskee County, Oklahoma, used by it in furnishing the Weleetka generating station of Public Service Company of Oklahoma with all natural gas consumed in the operation in said generating station; and

Said application having been filed on September 23, 1940, and an amendment having been filed thereto on October 7, 1940, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers and finding with respect to said application under Section 10 of said Act that no adverse findings are necessary under Section 10 (b) and Section 10 (c) (1) of said Act and that the transaction involved has the tendency required by Section 10 (c) (2) of said Act, and as a liquidating dividend is exempt by operation of Rule U-12C-2;

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9 that the aforesaid application, as amended, be and hereby is granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4532; Filed, October 25, 1940;
11:15 a. m.]

[File No. 70-118]

IN THE MATTER OF LONE STAR GASOLINE COMPANY, LONE STAR GAS CORPORATION

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE PURSUANT TO RULE U-8

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1940.

The above named persons have filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935 and particularly Sections 7 and 10 thereof, regarding the issuance and sale by Lone Star Gasoline Company of 10,000 shares of its \$100 par common stock to Lone Star Gas Corporation, its parent company, payment therefor to be made by crediting the open account indebtedness of the subsidiary company and by the payment of cash; and

Said application and declaration having been filed on July 20, 1940 and certain amendments having been filed thereto, the last amendment having been filed on October 3, 1940, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice or otherwise and not having ordered a hearing thereof, and the above named persons having, by due notice, postponed the date on which such application would be granted and the declaration would become effective, to October 24, 1940; and

The Commission finding with respect to the declaration under Section 7 of said Act that the requirements of Section 7 (c) thereof are satisfied, and that no adverse findings are necessary under Section 7 (d) thereof, and with respect to the application under Section 10 of said Act that no adverse findings are necessary under Section 10 (b) and Section 10 (c) (1) thereof and that the transaction involved does not require a finding under Section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9 that the aforesaid application, as amended, be and is hereby granted, and said declaration, as amended, be and hereby is permitted to become effective, at 4:30 p. m., E. S. T., on October 24, 1940.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4528; Filed, October 25, 1940;
11:14 a. m.]

[File No. 70-184]

IN THE MATTER OF GENERAL UTILITY INVESTORS CORPORATION NY PA NJ UTILITIES COMPANY

NOTICE REGARDING FILING SUBJECT TO RULE U-8

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1940.

Notice is hereby given that a declaration and applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than November 9, 1940, at 1:00 p. m., E. S. T., request the Commission in writing that a hearing be held on such matters stating the reasons for such request and the nature of his interests, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and applications, as amended, may become effective as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

NY PA NJ Utilities Company, a registered holding company, proposes to merge into itself its wholly owned subsidiary, General Utility Investors Corporation. To effect the proposed merger, NY PA NJ Utilities Company is to acquire all of the assets and assume all of the liabilities of the General Utility Investors Corporation. General Utility Investors Corporation is to acquire from NY PA NJ its common stock, which is to be cancelled and General Utility Investors Corporation dissolved.

Presently, General Utility Investors Corporation has no publicly held securities other than an overdue promissory note held by The Chase National Bank of the City of New York, upon which there is an unpaid balance of \$755,000, which note is to be assumed by NY PA

NJ Utilities Company and refunded by that company substantially concurrently with the merger through the issuance by it of a note maturing within nine months.

The declarant and applicants have designated Sections 7, 9, 10, and 11 (e),

and Rules U-12C-1 and U-12F-1 as applicable to the proceedings.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4529; Filed, October 25, 1940;
11:15 a. m.]